RECENT IMPORTANT DECISIONS

ANIMALS—KNOWLEDGE OF VICIOUS PROPENSITY—OWNER NOT LIABLE FOR DOG UPSETTING FORD.—The defendant's dog had been in the habit of following and barking at automobiles, and this fact was known to the defendant. The plaintiff was riding with her husband in a Ford car, when suddenly the defendant's dog jumped in front of them. By running over the dog, the car was thrown against an embankment and the plaintiff was injured. *Held,* that the plaintiff was not entitled to recover, there being no evidence of a vicious propensity in the dog. *Melicker* v. *Sedlacek* (Iowa, 1920), 179 N. W. 197.

In general, the owner is not liable for injury inflicted by his domestic animal unless he can be charged with knowledge of a vicious propensity which contributed to the injury. *Mason* v. *Keeling,* 1 Ld. Raym. 606; *Fritsche* v. *Clemow,* 109 Ill. Ap. 335. A dog will not make its master liable by knocking a person down, where it is not shown that the dog had a propensity for so doing. *Forsythe* v. *Kluckhohn,* 150 Iowa, 126. Likewise, the owner of a turkey is not liable for its frightening a horse. *Zumstein* v. *Schrumm,* 22 Ont. App. Rep. 263. Nor is the owner liable for his dog jumping over a fence and landing on the neck of the plaintiff, for the same reason. *Sanders* v. *Teape,* 51 L. T. N. S. 263. Neither is there any liability resulting from a chicken flying into the spokes of a bicycle and upsetting the rider. *Hadwell* v. *Righton* [1907], 2 K. B. 345. Nor from a sow frightening a horse so that the driver of an automobile coming from the opposite direction had to drive into a stone wall in order to avoid hitting the horse. *Higgins* v. *Searle,* 25 T. L. R. 301. Undoubtedly, the principal case was correctly decided, for there was no evidence that the defendant's dog had a vicious propensity for jumping under Fords and causing them to leave the road, to the discomfort of their occupants.

COMMERCE—OIL INSPECTION LAW WITH FEES LARGELY EXCEEDING COST INVALID AS TO INTERSTATE COMMERCE.—An oil inspection statute in the state of Georgia was attacked on the ground that for a number of years the amount of the fees fixed by the law had proved to be largely in excess of the actual cost of the inspection. *Held,* that the statute was unconstitutional and void as to interstate commerce. *Texas Co.* v. *Brown* (D. C., N. D., Georgia, 1920), 266 Fed. 577.

In the exercise of its police power a state may enact inspection laws which are valid if they tend in a direct and substantial manner to promote the public safety and welfare, or to protect the public from fraud and imposition when dealing in articles of general use, as to which Congress has not made any conflicting regulation, and a fee reasonably sufficient to pay the cost of such inspection may constitutionally be charged, even though the